

WYOMING BRUCELLOSIS COORDINATION TEAM
SEPTEMBER 14, 2006
AMERIHOST INN, PINEDALE, WYOMING

8:00 am – Dean Galey opened meeting

- Introductions: Commission members and visitors

Dr. Oldham – Brucellosis update – Class Free Brucellosis status has been granted back to the state; official notice later in week; 60 day comment period; good for 1 year. The rules have not changed. The state rules: livestock board proposed rule changes; change of ownership testing outside the 6 county area will drop; sale barn testing will remain; It was suggested that the governor's office might consider emergency rule making to assist with minimizing fall testing in most of the state. The 6 counties in the northwest will remain under testing requirements. The emergency rules would be to reduce the burden on producers during the fall run.

Dr. Combs – Idaho going under their brucellosis review since their two positive herds were identified. The area where cases were found will be toured. No new cases have been found since February. USDA apparently will look at whether the rules need to be modified as far as what constitutes a “second herd”. It was asked if it will be the same review team as Wyoming. The answer was ‘no’. A lot of emphasis is being made on development of herd plans? Dr. Combs submits a quarterly report on development of herd plans; epidemiologists, national and local, put a lot of emphasis on herd plans;

Oldham – Having herd plans instituted and reported in Dr. Combs report is a good deal as it will have a lot to do to keeping the state's Class Free Brucellosis status.

Dean Galey – Governor is clear that he wants the team to continue.

Rob Hendry asked when can we stop bleeding outside the 6 county area.

Oldham – depends on passage of emergency rules

Combs – no federal test requirements – interstate; state rules are what we're talking about; we continue under existing state rules until they are modified;

- **Team recommendations on Chapter 2 emergency rules – change of ownership testing outside 6 county area consistent with existing agreements – The team recommends to the governor that he consider accepting emergency rules.**

Dr. Logan asked if the 6 county area can be reduced to 4 counties.

Director Cleveland indicated that the park boundary is the limit of most brucellosis occurrence.

Rob Hendry pointed out that Hot Springs and Freemont County are divided by the river.

Dr. Oldham feels the river idea is a good idea.

Sen Hines asked if Feds would be amenable to reducing to 4 counties.

Dr. Combs indicated that Drs. Oldham and Combs could propose the idea, but it would have to be run back through Gertonson and the review team.

- **Galey – don't want to slow down process, but the team requests that Oldham and Combs to propose the change.**

Rep Olsen indicated we need to do this carefully, and keep the two processes going simultaneously.

Director Cleveland indicated that Oldham is to coordinate with wildlife division on elk brucellosis occurrence.

Dr. Combs indicated that our Status was for this year as Wyoming met conditions. It is likely that next year Wyoming will have to meet new conditions in addition to old ones; wildlife component; APHIS looking, in states with a brucellosis reservoir in wildlife, at new monitoring and surveillance conditions. The problem is we do not know yet what those conditions might be. It will be discussed in October, proposed in rule making; but next year, a wildlife component will be in place.

Dr. Galey asked if the states have the opportunity to comment.

Dr. Combs said he thought it will go through regular rulemaking

Director Cleveland promised that the states will be engaged; but asked what is the time frame for applying for status.

Dr. Combs said our anniversary date is September 12; re-apply next summer.

Dr. Galey indicated that the team will address the issue at next spring's meeting.

Director Cleveland reminded everyone we have budget considerations; when will we know when to be preparing for the new considerations.

Dr. Combs said it will be after October; the rules will be in place for next summer.

Dr. Galey asked Dr. Combs if USDA anticipated mandating a ridiculous amount of wildlife testing.

Dr. Combs said not 100%? No; but it will be a continuation of the things already in place and being developed; mitigation, monitoring, surveillance, BMAP, hunter survey, etc. all will count

Director Cleveland asked that he please put the seed in our minds so we can plan; 12 month grace period would be essential if new requirements are added. Money doesn't fall out of the sky.

Joel Bousman indicated that the question is who is ultimately in charge of wildlife disease? Feds, or states; Public Trust Doctrine; will destroy relationship between private property owners and government, and subsequently destroy effective wildlife management in Wyoming.

Dr. Williams asked that if once set, are these in place, or is the target going to move annually.

Combs said it will be in rules, so it will good until they are modified or changed.

Rob Hendry said what about the national parks and refuges. That might be a different ball game.

Director Cleveland asked about any consultation with Interior and Park Service.

Dr. Combs thought some discussion may have happened at high levels

BRUCELLOSIS EXPOSURE POLICY

- Paragraph 1

Oldham – introduced exposure policy and protocol for post exposure (memorandum has since been released)

Galey – relies heavily on herd plans

Cleveland – “where” changed to “would” in line 8

Logan – in line 5, add “Department” after “Fish”

Bousman – back to line 8, leave “where” and take out “be”; take out comma in line 7

Cleveland – coordinate dates

Oldham – backed off to May 1st to accommodate individual herd plans.

Hendry – what is the penalty for violating the state statute

Oldham – misdemeanor if its pursued.

Logan – please cite the statute in the policy.

- Paragraph 2

Williams – who is the designated epidemiologist?

Oldham – right now it is Dr. Cook

Combs – will be making a selection of new brucellosis epi – APHIS

Bousman – very important for everyone to be on same page; good herd plans; education to producers; good relationship with game wardens; can address prior to incident if there is good education and communication of how critical the issue is.

Moved for Dr. Oldham to adopt the policy – all affirmed.

CATTLE HERD PLANS

Dr. Combs said that 287 need to be done in total; 8 plans are completely finished; 15 plans underway; 1 interview scheduled; individually working with producers to come up with plan. The process is cumbersome, but necessary to address all concerns; the message was out there that these needed to be done, we just needed to get out there and discuss why. Dr. Henderson continue to work on these as focus. It was indicated that the deadline of next July to complete the plans was not likely to be met.

Dr. Galey asked Dr. Combs if we are going to get beat up for not having these done.

Dr. Combs indicated that, no, these are things we said we would try to do. It was more important that we're working towards the goal.

Dr. Mills asked if they are getting easier as you do more, or are we starting from zero everytime?

Dr. Combs said each one is different to a certain extent.

Dr. Henderson said he thought that acceptance amongst ranchers is getting better as word spreads.

Director Cleveland wanted to know if we are focusing in on operators in close juxtaposition to feed grounds.

Dr. Combs indicated that was the case.

Dr. Oldham said there were 6 commuter guys going back and forth to Idaho – work with them real well.

Dr. Logan pointed out that Oldham will get out protocols to producers; herd plans are voluntary, but word needs to get out that these things need to get done to make it better for everyone; how can we best get that word out?

Eric Peterson suggested we might put together a fact sheet; get them into producer's hands.

Rob Hendry reminded everyone that this is an evolving process; education to producers; let them know how the process works, what the consequences are.

BMAP UPDATE

Brandon Scurlock's team has completed 3, Upper Green, Fall Creek, Muddy Creek; Afton basically finished; working on Hoback and Piney, rough draft out; Jackson – scheduled to start in January. Will have everything done by the end of June

Director Cleveland said that once written, the BMAP process focus will shift to implementation. No sense moving forward with Jackson until Elk/Bison EIS completed; concern from some interest groups that they weren't more included.

Joel Bausman asked if Piney includes bench coral feed ground. What's the level of producer participation?

Brandon Scurlock said they had not yet had a public meeting.

Eric Kessler said producers have been fairly good at participating – questionnaire; no public meeting scheduled;

Joel Bausman said to let Albert Sommers and he know and they'll help garner participation.

Rob Hendry asked if Feers and Micheli, are cooperating. Apparently Brad is handling them, they're two of the key producers we need. He felt we had to have them in the system.

TEST AND SLAUGHTER AND FENCE UPDATE

Brandon Scurlock is working on a report; comprehensive report on test and slaughter from year one. Should be out soon; and it will be public information. Director Cleveland will send the report to Galey; Galey will distribute to the team.

Director Cleveland asked his team about the completion date on the fence. He hoped it would be before elk show up next month.

Dr. Kreeger said they plan to conduct a second year of test & slaughter. It is crucial to show whether we're getting anywhere; went well the first year, should be easier this year.

Terry Pollard asked about a second trap.

Director Cleveland indicated we've ordered a second trap with money saved from the first.

Dr. Kreeger reminded us that we need to see what happens at Muddy Creek before we plan to expand.

Rep. Olsen asked why are we buying more traps if we're focusing on Muddy.

Director Cleveland said they fully intend to expand the pilot to the herd unit as planned once we learn from Muddy.

Cathy Purves asked if we were testing during hunting season. The pilot project should not be a stand-alone project. What else are we doing?

Director Cleveland mentioned fencing, mitigation, hunter survey.

Joel Bausman asked if the Game and Fish was looking into moving trap at scab creek off the hill and down into the flat to improve access.

Director Cleveland's team is looking into it.

Dr. Logan asked about surveillance in Saratoga.

Dr. Kreeger indicated that would occur within the next couple of years.

LITIGATION

Levi Martin reported on on-going litigation; Earth Justice filed suit versus the Forest Service for NEPA violations on feed grounds. The state has been granted the right to intervene. The brief is due next week and argument set for October 19 at 3 pm. The issues include failure for proper permitting, failure to consider the action of feeding. The state feels that the issue of the structures presence has environmental effect, not the feeding itself. State may be enjoined from moving forward with test & slaughter pilot project depending on how long the Judge takes to make a decision. It will throw a wrench in the plan if we're not allowed to move forward with the pilot project.

Rep Olsen wanted to know what this means for our free status.

Dr. Combs didn't know.

Rep Olsen said that, thinking down the road, how will we address the new wildlife component of USDA's proposed rules?

Rob Hendry said the Stockgrowers also intervened.

Dr. Oldham asked if this affects all feed grounds.

Martin – only feed grounds on federal land.

Dr. Galey asked how many are on federal land.

Director Cleveland indicated that 13 were.

Martin said there were 4 that that we're really going to have to deal with.

Rob Hendry said we suggested that Forest Service really get going on this, have they.

- **Cleveland – We need to follow up with forest service to get new representation; Ben will follow up**

Bob Wharff asked if it would help if other groups filed amicus briefs.

Martin said yes, but they'd have to hurry.

Dr. Logan asked about the Idaho elk.

Talbot indicated that animals have been killed and tested. Waiting to hear; will monitor throughout the year to determine whether the elk are commingling.

Rob Hendry reminded Director Cleveland that he should buy a helicopter.

Director Cleveland said if Hendry would appear before appropriations.

LARAMIE WORKSHOP REPORT

Dr. Galey indicated that results from the the workshop held last summer in Laramie to analyze what's needed for Brucellosis research has been reported. See hand outs; three areas were within the focus: vaccination, diagnostics; delivery of vaccine;

The University of Wyoming has offered to serve as a consortium/clearing house and make recommendations to Congress; many different partners. Idea is to attract some federal funds and pull researchers from all over the country together to formulate a proposal.

Rep Olsen said people would like to see Wyoming take this lead.

Dr. Galey said you'll be hearing more about this as seed funding from the legislature would be needed to get the ball rolling.

The report will be presented at the annual meeting of the United States Animal Health Association in Minneapolis in October

GYIBC MOU

Ben Brandes gave this update; we're ready to sign GYIBC MOU and send to Montana and Idaho.

Dr. Combs said that Interior and Agriculture were ready to sign also.

Dr. Galey asked when is next GYIBC meeting. They would meet December 5, Idaho Falls.

- **Contact Galey when we sign and send, Galey will contact the team**

LEGISLATION

Talbot reminded the group about Wildlife feeding legislation

Sen. Hines would like to hear the discussion; maybe make it not quite so broad.

Rep. Olsen said that recommendations specifically mention elk and bison; bill being drafted right now that addresses only elk and bison; the old, more broad draft would be disastrous.

Director Cleveland suggested that if anything is going to move forward, it must be narrowed to elk and wild bison, the 6 county area, and focused on brucellosis.

Terry Pollard said that the way it was written, it was totally against what outfitters support, as it would really negatively impact hunting camps (feed storage issue); they also need to exclude bears

Rep Olsen asked even if we do narrow it, what about enforcement?

Purves if was narrowed so as to meet the recommendation; what about monetary impact on G&F?

Director Cleveland felt it wouldn't be too onerous; but it was not a hill we're willing to die on.

Bob Wharff agreed the original was too broad; if you want to achieve, needs to be narrow.

Dr. Galey said that from this team's perspective, the original impetus was to develop a narrow bill

Dr. Mills would still like to see a bill come forward; narrow it.

Senator Hines said if this committee is going to support something, the bill needs to be brucellosis related; limit it species-wise; probably couldn't limit it county-wise.

Rep Olsen said it would be great if each county would address the issue.

Cathy Purves said that then G&F couldn't address the issue.

Dr. Williams said that deer and CWD will also be an argument

Rep Olsen said we'll look at it down the road.

Dr. Galey said this group needs to stay focused on brucellosis.

Cathy Purves asked about ongoing educational efforts.

Dr. Galey said that G&F are moving towards that with multi-agency PR group (Eric Kessler is the lead).

Cathy Purves wanted to know if there is another TRW meeting set for the fall.

Rep Olsen would rather it not go through TRW. I'm afraid it will be brought again by people that don't know about the brucellosis issue.

Sen Hines asked about other legislation; appropriations for the following years; he also asked Director Cleveland how they are doing budget-wise.

Director Cleveland indicated that G&F continues to run their lab with contract employees. That has led to continued turnover; long time to bring up to speed; would like to make the two positions permanent;

Dr. Kreeger said the lab is the heart of what we do in disease surveillance; lose to turnover.

Rep Olsen asked if there would be a supplemental budget request.

Director Cleveland suspects they'll wait a year and go through normal process. Depends on what comes down from USDA as far as wildlife requirements.

Sen Hines wanted to know if the lab directly tied to the contract for brucellosis testing? Would they be G&F employees or University?

Dr. Galey said the employees are G&F though the lab functions on wildlife testing is a shared operation.

Rob Hendry asked that if you don't do it this year, do we lose an opportunity.

Dr. Galey added that if the money is there, but we just need authorization for the positions, does that change the schedule (budget year)?

Director Cleveland said they were dealing with it. Would prefer to handle it through the normal process.

Sen Hines agreed, reminding everyone that the legislature was getting pretty critical of supplemental budgets.

Rep Olsen asked how the livestock board was doing.

Dr. Oldham said they were good going through the regular cycle.

Dr. Galey said we need to keep this thing on the front burner. We hoped the governor would agree, since he wanted to continue this team.

Sen Hines said if anybody needs money, he needed to know by December 5.

Bob Wharff asked if there was any money to go after people in other states who domesticate animals

NOTICE TO GOVERNOR

Dr. Galey will put together a letter to the governor and the members of the legislature updating what the team has been up to, and thanking them for the support; make sure they understand that this process is ongoing, that we're not completely free, and that the legislature needs to remain engaged, that we have wildlife, both ours and the feds, that we need to deal with.

Director Cleveland said we were going to ask governor to send letter to Park Service, and DOI.

Dr. Combs said the Wyoming MOU states will ask the agencies to put together plans.

- **Galey and Brandes will follow up on this action item, put together the recommendations for the Governor's Office**

Rep Olsen thanked the team for its effort on behalf of his constituents.

Dr. Logan asked about travel vouchers.

- **Galey will follow up with the Dept of Ag on travel vouchers and other issues**

PUBLIC COMMENT

Ben Lamb – Wildlife Federation – a lot of talk about keeping active and keeping status; limit it to a certain geographic area holds the line, doesn't push it forward; need to keep people from concentrating wildlife, or disease pool. Second – wildlife condition – APHIS, please be reasonable; the state is the best manager of wildlife and it should stay that way.

Next Meeting? After the session? Governor asked for team to meet twice a year. After the session it is.

The meeting was adjourned.